

**Introduced by Committee on Education (Senators Liu (Chair),
Block, Hancock, Huff, Leyva, Mendoza, Pan, and Vidak)**

February 25, 2015

An act to amend Sections 16236, 17070.75, 17088.2, 17463, 17582, 17592.5, 44320, 52335.12, and 60900 of, and to repeal Sections 17591, 48200.7, and 48200.8 of, the Education Code, relating to education.

LEGISLATIVE COUNSEL'S DIGEST

SB 436, as introduced, Committee on Education. Education: omnibus bill.

(1) Existing law authorizes the State Allocation Board to allocate any amount of the funds designated for purposes of school housing aid for school districts impacted by seasonal agricultural employment that is in excess of the amounts needed for administration to any of specified funds, including the State School Deferred Maintenance Fund, as provided. Existing law separately authorizes the board to transfer any funds within the State School Building Aid Fund that are in excess of the amounts needed by the board for the maintenance of portable buildings or for the purchase of new portable buildings, for that fiscal year, to any of specified funds, including the State School Deferred Maintenance Fund, as provided.

This bill would delete those allocation authorizations to the State School Deferred Maintenance Fund.

(2) Existing law, the Leroy F. Greene School Facilities Act of 1998 (the Greene Act of 1998), requires the State Allocation Board to allocate to applicant school districts and county offices of education prescribed per-unhoused-pupil state funding for construction and modernization of school facilities, including hardship funding, and supplemental funding for site development and acquisition. Existing law requires the

board to require school districts and county offices of education that receive funding under the Greene Act of 1998 to establish a restricted account within the school district's or county office of education's general fund and to deposit, in each fiscal year for 20 years, a minimum amount equal to or greater than 3% of the school district's or county office of education's total general fund expenditures, including other financing uses, for that fiscal year into the account for maintenance of school facilities. Existing law authorizes annual deposits into the account in excess of 2 ½% of the school district's general fund budget to count towards the amount that a school district is required to contribute in order to receive an apportionment from the State School Deferred Maintenance Fund.

This bill would delete that authorization.

(3) Existing law authorizes the governing board of a school district to establish a restricted fund known as the "district deferred maintenance fund" for certain school facilities purposes, including, among others, any other items of maintenance approved by the State Allocation Board.

This bill would remove that purpose from the list of specifically authorized purposes, but would no longer limit the use of the fund to the list of specifically authorized purposes.

(4) Existing law requires that professional preparation, including student teaching, be made available in the upper division course offerings at all California public institutions of higher learning, except the California Maritime Academy and the Hastings College of the Law and prohibits more than 9 semester units, or the equivalent, of professional education courses from being designated as prerequisites for purposes of admission to student teaching, except as specified. Existing law provides that the Commission on Teacher Credentialing shall encourage postsecondary institutions that offer programs of professional preparation to collaborate with school districts, county offices of education, and professional organizations in the design and delivery of local programs to function as part of the California beginning teacher support and assessment program. If local educational agencies and institutions of higher education voluntarily agree to implement the program, existing law requires, in each program of preparation, support, and assessment, the postsecondary institution to make it possible for each candidate to complete all requirements for a valid teaching credential in the equivalent of one year of full-time study.

This bill would instead require the postsecondary institution to make it possible for each candidate to compete all requirements for a valid teaching credential in the equivalent of 2 years of full-time study.

(5) Existing law requires the State Department of Education, and authorizes the Compton Unified School District, to identify low-performing schools in the school district, as provided, for purposes of providing extended school year instruction. Former law, repealed by its own provisions on January 1, 2003, authorized the Compton Unified School District to receive funding for extended year classes at those low-performing schools in the school district, as provided. Existing law requires the department, in conjunction with the Legislative Analyst, to contract for 2 independent evaluations, as provided, to determine the effectiveness of the extended school year curriculum, instructional program, and materials in improving pupil academic outcomes at those low-performing schools in the Compton Unified School District. Existing law requires the results of the evaluations to be reported on or before January 1, 2002, and January 1, 2003, respectively, to specified persons.

This bill would delete those obsolete provisions.

(6) This bill would also update references, delete other obsolete provisions, make conforming changes, and make other nonsubstantive changes.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 16236 of the Education Code is amended
2 to read:
3 16236. Notwithstanding any other ~~provision of~~ law, the board
4 may allocate any amount of the funds designated for purposes of
5 this article that is in excess of the amounts needed for the
6 administration of this article to any of the following:
7 (a) The Emergency School Classroom Fund for allocation by
8 the board for any purpose authorized pursuant to that fund.
9 (b) The 1998 State School Facilities Fund for allocation by the
10 board for any purpose authorized to that fund.
11 (c) The 2002 State School Facilities Fund for allocation by the
12 board for any purpose authorized to that fund.

(d) The 2004 State School Facilities Fund for allocation by the board for any purpose authorized to that fund.

(e) If the voters approve the Kindergarten-University Public Education Facilities Bond Act of 2006 at the November 7, 2006, statewide general election, the 2006 State School Facilities Fund for allocation by the board for any purpose authorized to that fund.

~~(f) The State School Deferred Maintenance Fund for allocation by the board for any purpose authorized pursuant to that fund. The board may utilize up to 100 percent of the funds transferred by the board to the State School Deferred Maintenance Fund pursuant to this section for funding extreme hardship critical projects.~~

SEC. 2. Section 17070.75 of the Education Code is amended to read:

17070.75. (a) The board shall require the school district to make all necessary repairs, renewals, and replacements to ensure that a project is at all times maintained in good repair, working order, and condition. All costs incurred for this purpose shall be borne by the school district.

(b) In order to ensure compliance with subdivision (a) and to encourage school districts to maintain all buildings under their control, the board shall require an applicant school district to do all of the following ~~prior to~~ *before* the approval of a project:

(1) Establish a restricted account within the general fund of the school district for the exclusive purpose of providing moneys for ongoing and major maintenance of school buildings, according the highest priority to funding for the purposes set forth in subdivision (a).

(2) (A) Agree to deposit into the account established pursuant to paragraph (1), in each fiscal year for 20 years after receipt of funds under this chapter, a minimum amount equal to or greater than 3 percent of the total general fund expenditures of the applicant school district, including other financing uses, for that fiscal year. ~~Annual deposits to the account established pursuant to paragraph (1) in excess of 2 ½ percent of the school district general fund budget may count towards the amount of funds required to be contributed by a school district in order to receive apportionments from the State School Deferred Maintenance Fund pursuant to Section 17584 to the extent that those funds are used for purposes that qualify for funding under that section.~~

~~(B) Notwithstanding subparagraph (A), for the 2004–05 fiscal year only, an applicant school district shall deposit into the account established pursuant to paragraph (1), no less than 2 percent of the total general fund expenditures of the school district, including other financing uses, for the fiscal year. The annual deposit to the account in excess of 1½ percent of the school district general fund budget for the 2004–05 fiscal year may count towards the amount that a school district is required to contribute in order to receive apportionments from the State School Deferred Maintenance Fund pursuant to Section 17584 to the extent that those funds are used for purposes that qualify for funding under that section.~~

~~(C)~~

~~(B)~~ A school district contribution to the account may be provided in lieu of meeting the ongoing maintenance requirements pursuant to Section 17014 to the extent the funds are used for purposes established in that section. A school district that serves as the administrative unit for a special education local plan area may elect to exclude from its total general fund expenditures, for purposes of this paragraph, the distribution of revenues that are passed through to participating members of the special education local plan area.

~~(D)~~

(C) This paragraph applies only to the following school districts:

(i) High school districts with an average daily attendance greater than 300 pupils.

(ii) Elementary school districts with an average daily attendance greater than 900 pupils.

(iii) Unified school districts with an average daily attendance greater than 1,200 pupils.

(3) Certify that it has publicly approved an ongoing and major maintenance plan that outlines the use of the funds deposited, or to be deposited, pursuant to paragraph (2). The plan may provide that the school district need not expend all of its annual allocation for ongoing and major maintenance in the year in which it is deposited if the cost of major maintenance requires that the allocation be carried over into another fiscal year. However, any state funds carried over into a subsequent year may not be counted toward the annual minimum contribution by the school district. ~~A plan developed in compliance with this section shall be deemed to meet the requirements of Section 17585.~~

(c) A school district to which paragraph (2) of subdivision (b) does not apply shall certify to the board that it can reasonably maintain its facilities with a lesser level of maintenance.

(d) For purposes of calculating a county office of education requirement pursuant to this section, the 3 percent maintenance requirement shall be based upon the county office of education general fund less any restricted accounts.

(e) As a condition of participation in the school facilities ~~program or the receipt of funds pursuant to Section 17582, for a fiscal year after the 2004-05 fiscal year, program,~~ a school district shall establish a facilities inspection system to ensure that each of its schools is maintained in good repair.

(f) For purposes of this section, “good repair” has the same meaning as specified in subdivision (d) of Section 17002.

SEC. 3. Section 17088.2 of the Education Code is amended to read:

17088.2. Notwithstanding any ~~provision of law to the contrary, including, but not limited to, Section 17587, other law,~~ the board may transfer any funds within the State School Building Aid Fund that are in excess of the amounts needed by the board for the maintenance of portable buildings or for the purchase of new portable buildings, for that fiscal year, to any of the following, as appropriate:

(a) The 1998 State School Facilities Fund for allocation by the board for any purpose authorized pursuant to that fund.

(b) The 2002 State School Facilities Fund for allocation by the board for any purpose authorized pursuant to that fund.

(c) The 2004 State School Facilities Fund for allocation by the board for any purpose authorized pursuant to that fund.

~~(d) The State School Deferred Maintenance Fund for allocation by the board for any purpose authorized pursuant to that fund. The board may utilize up to 100 percent of the funds transferred by the board to the State School Deferred Maintenance Fund pursuant to this section for funding extreme hardship critical projects.~~

SEC. 4. Section 17463 of the Education Code is amended to read:

17463. Notwithstanding Section 17462, a school district having an average daily attendance of less than 10,001 in any fiscal year may deposit any and all interest earned on the funds derived from the sale in that fiscal year of surplus property into the general fund

1 of the *school* district for any general fund purpose, subject to the
2 following conditions:

3 (a) ~~Prior to~~ *Before* that deposit, the *school* district shall submit
4 to the State Allocation Board a capital outlay plan for the *school*
5 district for a period of five years following that sale, together with
6 a declaration of the finding by the governing board of the school
7 district that the school facilities needs of the *school* district can be
8 met over that five-year period without funding or other assistance
9 from any state school facilities funding program. No later than the
10 date upon which that initial five-year period concludes, the *school*
11 district shall submit to the State Allocation Board a capital outlay
12 plan for the *school* district for the subsequent five-year period.

13 (b) ~~Prior to~~ *Before* the decision to place that interest money into
14 the *school* district's general fund, the governing board of the school
15 district shall consider the extent to which it is necessary or
16 appropriate to expend that money to meet the *school* district's
17 needs relative to capital outlay, facilities, modernization, and
18 deferred maintenance. In addition, as to any interest money
19 deposited into the *school* district's general fund pursuant to this
20 section, the governing board of the *school* district shall consider
21 the extent to which it is necessary or appropriate to expend the
22 money to meet the *school* district's needs relative to ongoing
23 maintenance ~~prior to~~ *before* expending that money for any other
24 purpose.

25 (c) A school district that deposits interest into its general fund
26 pursuant to the authority set forth in this section shall not be eligible
27 during the 10-year period described in subdivision (a) for funding
28 or other assistance under Chapter 12 (commencing with Section
29 17000) or Chapter 14 (commencing with Section 17085) of Part
30 10, ~~Sections 17582 to 17592, inclusive~~, or any other state school
31 facilities funding program.

32 (d) If a school district seeks state funding pursuant to Chapter
33 ~~22 12~~ (commencing with Section ~~17000~~), *17000* of Part 10,
34 Chapter 14 (commencing with Section 17085) of Part 10, ~~Sections~~
35 ~~17582 to 17592, inclusive~~, or any other state school facilities
36 funding program, on or after the expiration of the 10-year period
37 specified in subdivision (c), any state funding received by the
38 *school* district from the program shall be reduced by any remaining
39 funds derived from the sale of that surplus property by the *school*
40 district and any unencumbered interest earned on those funds.

1 SEC. 5. Section 17582 of the Education Code is amended to
2 read:

3 17582. (a) The governing board of a school district may
4 establish a restricted fund to be known as the “district deferred
5 maintenance fund” for the purposes of *including, but not limited*
6 *to*, major repair or replacement of plumbing, heating, air
7 conditioning, electrical, roofing, and floor ~~systems, systems~~; the
8 exterior and interior painting of school ~~buildings, buildings~~; the
9 inspection, sampling, and analysis of building materials to
10 determine the presence of asbestos-containing ~~materials, materials~~;
11 the encapsulation or removal of asbestos-containing ~~materials,~~
12 ~~materials~~; the inspection, identification, sampling, and analysis
13 of building materials to determine the presence of lead-containing
14 ~~materials, materials~~; and the control, management, and removal
15 of lead-containing ~~materials, and any other items of maintenance~~
16 ~~approved by the State Allocation Board. materials.~~ Funds deposited
17 in the district deferred maintenance fund may be received from
18 any source and shall be accounted for separately from all other
19 funds and accounts and retained in the district deferred maintenance
20 fund for purposes of this section. The term “school building” as
21 used in this article includes a facility that a county office of
22 education is authorized to use pursuant to Article 3 (commencing
23 with Section 17280) of Chapter 3.

24 (b) Funds deposited in the district deferred maintenance fund
25 shall only be expended for maintenance purposes as provided
26 pursuant to subdivision (a).

27 (c) The governing board of each school district shall have
28 complete control over the funds and earnings of funds once
29 deposited in the district deferred maintenance fund.

30 SEC. 6. Section 17591 of the Education Code is repealed.

31 ~~17591. Each district desiring an apportionment pursuant to~~
32 ~~Section 17584 shall file with the State Allocation Board and receive~~
33 ~~approval of a five-year plan of the maintenance needs of the district~~
34 ~~over that five-year period. This plan may be amended from time~~
35 ~~to time. Any expenditure of funds from the district deferred~~
36 ~~maintenance fund shall conform to the plan approved by the State~~
37 ~~Allocation Board.~~

38 SEC. 7. Section 17592.5 of the Education Code is amended to
39 read:

1 17592.5. The Joint Powers Southern California Regional
2 Occupational Center and the Metropolitan Education District, a
3 joint powers authority, shall be deemed to be school districts for
4 purposes of Sections ~~17582 to 17592, inclusive, and for the~~
5 ~~purposes of Section 17584. 17582, 17589, and 17590.~~

6 SEC. 8. Section 44320 of the Education Code is amended to
7 read:

8 44320. (a) Professional preparation, including student teaching,
9 shall be made available in the upper division course offerings at
10 all California public institutions of higher learning, except the
11 California Maritime Academy and the Hastings College of the
12 Law. No more than nine semester units, or the equivalent, of
13 professional education courses may be designated as prerequisites
14 for purposes of admission to student teaching, except that, to satisfy
15 the English language requirement as set forth in paragraph (3) of
16 subdivision (b) of Section 44259, candidates may be required to
17 take 12 semester units, or the equivalent, as professional education
18 prerequisites to student teaching.

19 (b) The commission shall encourage postsecondary *educational*
20 institutions that offer programs of professional preparation to
21 collaborate with school districts, county offices of education, and
22 professional organizations in the design and delivery of local
23 programs to function as part of the California beginning teacher
24 support and assessment program pursuant to Section 44279.2. If
25 local educational agencies and institutions of higher education
26 voluntarily agree to implement the program, the following
27 provisions shall apply to each collaborative effort:

28 (1) Postsecondary *educational* institutions and local ~~education~~
29 *educational* agencies shall coordinate and articulate the program
30 of professional preparation and the beginning teacher support and
31 assessment program, so the two programs provide continuity in
32 the preparation, support, and assessment of beginning teachers.

33 (2) At the discretion of a postsecondary *educational* institution
34 that participates in a collaborative effort, the program of
35 professional preparation may be submitted to the commission for
36 approval as a program of preparation, support, and assessment that
37 is at least two years long.

38 (3) In each program of preparation, support, and assessment,
39 the postsecondary *educational* institution shall make it possible
40 for each candidate to complete all requirements for a valid teaching

1 credential in the equivalent of ~~one year~~ *two years* of full-time
2 study.

3 (4) A postsecondary *educational* institution that participates in
4 a collaborative effort may, at its discretion, determine that
5 successful completion of the support and assessment components
6 of an articulated program of professional preparation, support, and
7 assessment fulfills some or all of the requirements of subdivision
8 (c) of Section 44259, and may accordingly recommend applicants
9 for the professional teaching credential. The standards and criteria
10 for making these determinations and recommendations shall be
11 included in the institution's proposal for a program.

12 (5) A local educational agency that collaborates, at its own
13 discretion, with a postsecondary ~~education~~ *educational* institution
14 in the design and delivery of an articulated program of professional
15 preparation, support, and assessment that meets the standards and
16 criteria pursuant to subdivision (c) of Section 44279.2, and that
17 receives funds pursuant to the annual Budget Act, may contract
18 with the postsecondary *educational* institution to pay the
19 institution's costs of designing and delivering the support and
20 assessment components of the program.

21 (c) Local educational agencies that are approved by the
22 commission to provide programs of personalized preparation to
23 candidates for designated subjects teaching credentials are
24 encouraged to participate in the design and delivery of local
25 programs under the California beginning teacher support and
26 assessment program pursuant to Article 4.5 (commencing with
27 Section 44279.2), in a manner consistent with subdivision (b).

28 (d) ~~Prior to~~ *Before* admission to either student teaching under
29 any professional preparation program approved by the commission,
30 or participation in a field experience program as described in
31 Section 44324, a candidate for a credential shall obtain a certificate
32 of clearance from the commission ~~which~~ *that* shall be issued when
33 the commission has verified the candidate's personal identification
34 and health status. The fee for the certificate of clearance shall not
35 exceed one-half of the regular fee for a credential and shall be
36 deducted from the fee for the initial credential applied for by the
37 certificate holder.

38 SEC. 9. Section 48200.7 of the Education Code is repealed.

39 ~~48200.7. (a) The State Department of Education shall identify~~
40 ~~the three lowest performing elementary schools in the Compton~~

1 Unified School District for purposes of extending the school year
2 for pupils enrolled in kindergarten or grades 1 and 2 and for those
3 pupils in any of grades 3 to 5, inclusive, who are performing in
4 mathematics or English language arts two or more grade levels
5 below the grade in which those pupils are enrolled as determined
6 under subdivision (d).

7 (b) Beginning with the 1998-99 school year, the Compton
8 Unified School District may identify schools of the district, in
9 addition to those identified pursuant to subdivision (a), that are
10 among the lowest performing schools in the district, and may
11 provide extended school year instruction pursuant to Section
12 41601.1 to any pupil enrolled in kindergarten or any of grades 1
13 to 12, inclusive, in a school identified pursuant to this subdivision
14 who is performing in mathematics or English language arts at a
15 grade level that is two or more grade levels below the grade in
16 which that pupil is enrolled as determined pursuant to subdivision
17 (d).

18 (c) Notwithstanding subdivision (b) of this section and Section
19 41601.1, the amount of funding claimed by the district for extended
20 year instruction shall not in any year exceed twice the amount
21 claimed pursuant to this section in the 1997-98 fiscal year as
22 adjusted each year by the inflation adjustment determined pursuant
23 to Section 42238.1.

24 (d) The determination that a pupil is performing two or more
25 grade levels below the grade in which that pupil is enrolled shall
26 be based on any combination of the following:

- 27 (1) The California Achievement Test Form E.
28 (2) The Spanish assessment of basic education.
29 (3) Proficiency tests required for graduation.
30 (4) District criterion reference tests based on state curriculum
31 guides.

- 32 (5) The STAR test.

33 (e) The Compton Unified School District shall test all pupils in
34 kindergarten and grades 1 to 12, inclusive, in its lowest performing
35 schools identified pursuant to subdivisions (a) and (b) prior to
36 those pupils beginning an extended school year program under
37 this section. At the end of the school year the school district shall
38 again test the pupils in kindergarten and grades 1 to 12, inclusive,
39 to determine the grade level at which those pupils are performing.

~~(f) The department shall approve each of the following areas in each elementary school identified as high-priority pursuant to subdivision (a):~~

- ~~(1) Curricula.~~
- ~~(2) Testing instruments.~~
- ~~(3) Schoolday length.~~
- ~~(4) Teacher selection, teacher mentoring, and staff development processes.~~

~~(g) The department shall review teacher compensation, including salary and benefits, in each elementary school identified as high-priority pursuant to subdivision (a).~~

~~(h) The department shall collect data as to each of the following items for each school in subdivisions (a) and (b):~~

~~(1) Instructional materials used by, and made available to, the school.~~

~~(2) Teacher capacity.~~

~~(3) Any other baseline data deemed necessary by the department.~~

~~(i) Instruction provided to pupils subject to this section during schooldays in excess of schooldays offered to other pupils shall be devoted to instruction in basic skills in mathematics and English language arts.~~

~~(j) In conjunction with the Legislative Analyst, the department shall contract for an independent evaluation to determine the effectiveness of the extended school year curriculum, instructional program, and materials provided pursuant to this section and funded pursuant to Section 41601.1 in improving pupil academic outcomes. Testing and data collection conducted pursuant to this section shall be administered under the oversight of the independent evaluator, who shall be provided with copies of all test results. Results of the evaluation shall be reported on or before January 1, 2002, to the Superintendent of Public Instruction, the Legislative Analyst, the Director of Finance, and the appropriate policy and fiscal committees of the Legislature. The Compton Unified School District shall be responsible for all costs incurred pursuant to this subdivision.~~

~~(k) A percentage of funding appropriated for purposes of this section, in an amount to be determined by the Superintendent of Public Instruction, shall be used for purposes of testing and data collecting pursuant to this section.~~

SEC. 10. Section 48200.8 of the Education Code is repealed.

1 ~~48200.8.— Subsequent to the evaluation required pursuant to~~
2 ~~subdivision (j) of Section 48200.7, the State Department of~~
3 ~~Education, in consultation with the Legislative Analyst, shall~~
4 ~~contract, as necessary, for a second independent evaluation, or as~~
5 ~~determined by the department with concurrence by the Legislative~~
6 ~~Analyst may extend the original contract authorized in subdivision~~
7 ~~(j) of Section 48200.7, to conclusively determine the effectiveness~~
8 ~~of the extended school year curriculum, instructional program, and~~
9 ~~materials in improving pupil academic outcomes provided pursuant~~
10 ~~to that section. The subsequent evaluation and data collection~~
11 ~~necessary to incorporate results of the program through the~~
12 ~~2001-02 school year and subsequent summer period shall be~~
13 ~~funded through funds authorized pursuant to Section 41601.1, as~~
14 ~~determined by the Superintendent of Public Instruction, to ensure~~
15 ~~the Compton Unified School district shall be responsible for all~~
16 ~~costs incurred pursuant to this section. Testing and data collection~~
17 ~~conducted pursuant to this section shall be administered under the~~
18 ~~oversight of the independent evaluator, who shall be provided with~~
19 ~~copies of all test results. Results of the evaluation shall be reported~~
20 ~~on or before January 1, 2003, to the Superintendent of Public~~
21 ~~Instruction, the Legislative Analyst, the Director of Finance, and~~
22 ~~the appropriate policy and fiscal committees of the Legislature.~~

23 SEC. 11. Section 52335.12 of the Education Code is amended
24 to read:

25 52335.12. (a) As a condition of receiving additional funding
26 based on average daily attendance, the regional occupational center
27 or program shall report annually to the department the academic
28 and workforce preparation progress of the secondary pupils
29 enrolled in the center or program. Indicators to measure that
30 progress shall include, but are not limited to, the ~~Standardized~~
31 ~~Testing and Reporting (STAR) Program, California Assessment~~
32 ~~of Student Performance and Progress~~, pursuant to Article 4
33 (commencing with Section 60640) of Chapter 5 of Part 33; the
34 high school exit examination, pursuant to Chapter 9 (commencing
35 with 60850) of Part 33; and other indicators of academic and
36 workforce preparation success, such as reduced dropout rates,
37 workforce preparation, increased matriculation into postsecondary
38 educational institutions, and other measures as determined by the
39 department.

(b) This section shall become effective only when the longitudinal data on pupils enrolled in regional occupational centers and programs can be disaggregated from the California longitudinal pupil achievement data system (CALPADs) database, established pursuant to Chapter 10 (commencing with Section 60900) of Part 33.

(c) On or before October 1, 2007, the department shall submit to the Department of Finance a detailed proposal for the implementation of the outcome reports required in subdivision (a). The proposal shall identify the specific data elements to be collected and the costs associated with the data collection and preparation of the report. The department shall consult with the Department of Finance and the office of the Legislative Analyst during the development of this proposal.

SEC. 12. Section 60900 of the Education Code is amended to read:

60900. (a) The department shall contract for the development of proposals ~~which~~ *that* will provide for the retention and analysis of longitudinal pupil achievement data on the tests administered pursuant to Chapter 5 (commencing with Section 60600), Chapter 7 (commencing with Section 60810), and Chapter 9 (commencing with Section 60850). The longitudinal data shall be known as the California Longitudinal Pupil Achievement Data System.

(b) The proposals developed pursuant to subdivision (a) shall evaluate and determine whether it would be most effective, from both a fiscal and a technological perspective, for the state to own the system. The proposals shall additionally evaluate and determine the most effective means of housing the system.

(c) The California Longitudinal Pupil Achievement Data System shall be developed and implemented in accordance with all state rules and regulations governing information technology projects.

(d) The system or systems developed pursuant to this section shall be used to accomplish all of the following goals:

(1) To provide school districts and the department access to data necessary to comply with federal reporting requirements delineated in the federal No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.).

(2) To provide a better means of evaluating educational progress and investments over time.

1 (3) To provide local educational agencies information that can
2 be used to improve pupil achievement.

3 (4) To provide an efficient, flexible, and secure means of
4 maintaining longitudinal statewide pupil level data.

5 (5) To facilitate the ability of the state to publicly report data,
6 as specified in Section 6401(e)(2)(D) of the federal America
7 COMPETES Act (20 U.S.C. Sec. 9871) and as required by the
8 federal American Recovery and Reinvestment Act of 2009 (Public
9 Law 111-5).

10 (6) To ensure that any data access provided to researchers, as
11 required pursuant to the federal Race to the Top regulations and
12 guidelines is provided, only to the extent that the data access is in
13 compliance with the federal Family Educational Rights and Privacy
14 Act of 1974 (20 U.S.C. Sec. 1232g).

15 (e) In order to comply with federal law as delineated in the
16 *federal* No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301
17 et seq.), the local educational agency shall retain individual pupil
18 records for each test taker, including all of the following:

19 (1) All demographic data collected from the ~~STAR Program~~
20 ~~test~~, *California Assessment of Student Performance and Progress*
21 (*CAASPP*), high school exit examination, and English language
22 development tests.

23 (2) Pupil achievement data from assessments administered
24 pursuant to the ~~STAR Program~~, *CAASPP*, high school exit
25 examination, and English language development testing programs.
26 To the extent feasible, data should include subscore data within
27 each content area.

28 (3) A unique pupil identification number to be identical to the
29 pupil identifier developed pursuant to the California School
30 Information Services, which shall be retained by each local
31 educational agency and used to ensure the accuracy of information
32 on the header sheets of the ~~STAR Program~~ *CAASPP* tests, high
33 school exit examination, and the English language development
34 test.

35 (4) All data necessary to compile reports required by the federal
36 No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.),
37 including, but not limited to, dropout and graduation rates.

38 (5) Other data elements deemed necessary by the
39 Superintendent, with *the* approval of the state board, to comply
40 with the federal reporting requirements delineated in the *federal*

1 No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.),
2 and the *federal* American Recovery and Reinvestment Act of 2009
3 (Public Law 111-5), after review and comment by the advisory
4 board convened pursuant to subdivision (h). Before the
5 implementation of this paragraph with respect to adding data
6 elements to the California Longitudinal Pupil Achievement Data
7 System for the purpose of complying with the federal American
8 Recovery and Reinvestment Act of 2009 (Public Law 111-5), the
9 department and the appropriate postsecondary—~~education~~
10 *educational* agencies shall submit an expenditure plan to the
11 Department of Finance detailing any administrative costs to the
12 department and costs to any local educational agency, if applicable.
13 The Department of Finance shall provide to the Joint Legislative
14 Budget Committee a copy of the expenditure plan within 10 days
15 of receipt of the expenditure plan from the department.

16 (6) To enable the department, the University of California, the
17 California State University, and the Chancellor of the California
18 Community ~~Colleges~~, *Colleges* to meet the requirements prescribed
19 by the federal American Recovery and Reinvestment Act of 2009
20 (Public Law 111-5), these entities shall be authorized to obtain
21 quarterly wage data, commencing July 1, 2010, on students who
22 have attended their respective systems, to assess the impact of
23 education on the employment and earnings of those students, to
24 conduct the annual analysis of district-level and individual district
25 or postsecondary education system performance in achieving
26 priority educational outcomes, and to submit the required reports
27 to the Legislature and the Governor. The information shall be
28 provided to the extent permitted by federal statutes and regulations.

29 (f) The California Longitudinal Pupil Achievement Data System
30 shall have all of the following characteristics:

31 (1) The ability to sort by demographic element collected from
32 the ~~STAR Program~~ CAASPP tests, high school exit examination,
33 and English language development test.

34 (2) The capability to be expanded to include pupil achievement
35 data from multiple years.

36 (3) The capability to monitor pupil achievement on the ~~STAR~~
37 ~~Program~~ CAASPP tests, high school exit examination, and English
38 language development test from year to year and school to school.

39 (4) The capacity to provide data to the state and local educational
40 agencies upon their request.

(g) Data elements and codes included in the system shall comply with Sections 49061 to 49079, inclusive, and Sections 49602 and 56347, with Sections 430 to 438, inclusive, of Title 5 of the California Code of Regulations, with the Information Practices Act of 1977 (Chapter 1 (commencing with Section 1798) of Title 1.8 of Part 4 of Division 3 of the Civil Code), and with the federal Family ~~Education~~ Educational Rights and Privacy Act of 1974 (20 U.S.C. Sec. 1232g), Section ~~1242h~~ 1232h of Title 20 of the United States Code, and related federal regulations.

(h) The department shall convene an advisory board consisting of representatives or designees from the state board, the Department of Finance, the State Privacy Ombudsman, the Legislative Analyst's Office, representatives of parent groups, school districts, and local educational agencies, and education researchers to establish privacy and access protocols, provide general guidance, and make recommendations relative to data elements. The department is encouraged to seek representation broadly reflective of the general public of California.

(i) Subject to funding being provided in the annual Budget Act, the department shall contract with a consultant for independent project oversight. The Director of Finance shall review the request for proposals for the contract. The consultant hired to conduct the independent project oversight shall twice annually submit a written report to the Superintendent, the state board, the advisory board, the Director of Finance, the Legislative Analyst, and the appropriate policy and fiscal committees of the Legislature. The report shall include an evaluation of the extent to which the California Longitudinal Pupil Achievement Data System is meeting the goals described in subdivision (d) and recommendations to improve the data system in ensuring the privacy of individual pupil information and providing the data needed by the state and school districts.

(j) This section shall be implemented using federal funds received pursuant to the *federal* No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.), which are appropriated for purposes of this section in Item 6110-113-0890 of Section 2.00 of the Budget Act of 2002 (Chapter 379 of the Statutes of 2002). The release of these funds is contingent on approval of an expenditure plan by the Department of Finance.

- 1 (k) For purposes of this chapter, a local educational agency shall
- 2 include a county office of education, a school district, and a charter
- 3 school.

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